

HOUSE BILL 1317

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G1

2004 Regular Session
4lr2302
CF 4lr2353

By: **Delegates Hurson, Barkley, Benson, Bobo, Bronrott, Cardin, V. Clagett, Dumais, Feldman, Franchot, Goldwater, Gordon, Gutierrez, Heller, Hixson, Jones, Kaiser, Lee, Leopold, Madaleno, Mandel, McIntosh, Montgomery, Niemann, Pendergrass, Rosenberg, Rudolph, Taylor, and V. Turner**

Introduced and read first time: February 13, 2004
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Public Campaign Funding Act for Candidates for the General**
3 **Assembly**

4 FOR the purpose of establishing a system of public funding of campaigns for certain
5 candidates for the General Assembly; establishing an Election Financing
6 Commission to administer the systems of public funding of campaigns;
7 providing for the membership of the Commission and specifying its powers and
8 duties; creating the Public Election Fund and providing for the inclusion of
9 certain money in the Fund; specifying certain procedures, requirements, and
10 conditions participating candidates must meet to receive a distribution from the
11 Fund; requiring that participating candidates adhere to certain campaign
12 expenditure limits, subject to certain exceptions; requiring the Comptroller to
13 perform certain duties in connection with the establishment, maintenance, and
14 administration of the Fund; regulating contributions and expenditures made by
15 political parties on behalf of participating candidates; regulating coordinated
16 expenditures made by or on behalf of participating candidates; specifying
17 certain additional campaign finance reporting requirements for certain
18 candidates; authorizing a citizen to bring civil action in court against certain
19 candidates under certain circumstances; providing for judicial review of certain
20 actions by the Commission; providing for certain penalties; specifying the terms
21 of the initial members of the Commission; providing that certain catchlines are
22 not law and may not be considered to have been enacted as part of this Act; and
23 generally relating to the Public Campaign Funding Act for Candidates for the
24 General Assembly.

25 BY repealing and reenacting, with amendments,
26 Article - Election Law
27 Section 13-235(d)
28 Annotated Code of Maryland
29 (2003 Volume and 2003 Supplement)

1 BY adding to
2 Article - Election Law
3 Section 15A-101 through 15A-120 to be under the new title "Title 15A. Public
4 Campaign Financing Act for Candidates for the General Assembly"
5 Annotated Code of Maryland
6 (2003 Volume and 2003 Supplement)

7 BY adding to
8 Article - Transportation
9 Section 27-114
10 Annotated Code of Maryland
11 (2002 Replacement Volume and 2003 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Election Law**

15 13-235.

16 (d) (1) Under the Public Financing Act, a gubernatorial ticket, during the
17 year of the election only, may accept eligible private contributions and any
18 disbursement of funds by the State Board that is based on the eligible private
19 contributions.

20 (2) UNDER THE PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES
21 FOR THE GENERAL ASSEMBLY, A PARTICIPATING CANDIDATE, DURING THE YEAR OF
22 THE ELECTION ONLY, MAY ACCEPT SEED MONEY, QUALIFYING CONTRIBUTIONS, AND
23 ANY DISBURSEMENT OF FUNDS BY THE ELECTION FINANCING COMMISSION THAT IS
24 BASED ON THE SEED MONEY OR QUALIFYING CONTRIBUTIONS.

25 TITLE 15A. PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES FOR THE
26 GENERAL ASSEMBLY.

27 15A-101. DEFINITIONS.

28 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED
29 UNLESS OTHERWISE PROVIDED.

30 (B) "COMMISSION" MEANS THE ELECTION FINANCING COMMISSION.

31 (C) "COMPTROLLER" MEANS THE STATE COMPTROLLER OF THE TREASURY.

32 (D) "FUND" MEANS THE PUBLIC ELECTION FUND.

33 (E) "PARTICIPATING CANDIDATE" MEANS A CANDIDATE WHO QUALIFIES TO
34 RECEIVE A PUBLIC CONTRIBUTION UNDER THIS TITLE FOR ELECTION AS A MEMBER
35 OF THE GENERAL ASSEMBLY.

1 (F) "PUBLIC CONTRIBUTION" MEANS A SUM DISBURSED FROM THE FUND TO A
2 PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.

3 (G) "QUALIFYING CONTRIBUTION" MEANS A CONTRIBUTION:

4 (1) FROM A REGISTERED VOTER WHO RESIDES IN THE LEGISLATIVE
5 DISTRICT OR SUBDISTRICT OF THE CANDIDATE FOR ELECTION TO THE GENERAL
6 ASSEMBLY; AND

7 (2) THAT IS AT LEAST \$5.

8 (H) "SEED MONEY" MEANS A SUM OF LAWFULLY RAISED ELIGIBLE PRIVATE
9 CONTRIBUTIONS THAT:

10 (1) IS RAISED BY A CANDIDATE FOR ELECTION TO THE GENERAL
11 ASSEMBLY;

12 (2) IS NOT MORE THAN \$250 FOR EACH DONOR; AND

13 (3) IS RECEIVED NO EARLIER THAN THE COMMENCEMENT OF THE
14 ELECTION CYCLE FOR THE ELECTION IN WHICH THE INDIVIDUAL PROPOSES TO BE A
15 CANDIDATE AND NO LATER THAN THE MAY 1 IMMEDIATELY PRECEDING THE
16 PRIMARY ELECTION FOR THAT OFFICE.

17 15A-102. COMMISSION -- IN GENERAL.

18 (A) THERE IS AN ELECTION FINANCING COMMISSION CONSISTING OF FIVE
19 MEMBERS.

20 (B) (1) THE COMMISSION SHALL MAINTAIN ITS PRINCIPAL OFFICE IN
21 ANNAPOLIS AND HAVE STAFF, SUBJECT TO THE STATE PERSONNEL AND PENSIONS
22 ARTICLE, AS PROVIDED IN THE STATE BUDGET.

23 (2) THE COMMISSION SHALL MEET AT LEAST ONCE EACH QUARTER.

24 (C) EACH MEMBER OF THE COMMISSION:

25 (1) SHALL BE A REGISTERED VOTER IN THE STATE FOR THE 2 YEARS
26 IMMEDIATELY PRECEDING THE APPOINTMENT;

27 (2) SUBJECT TO SUBSECTION (G)(2) OF THIS SECTION, SHALL BE
28 ELIGIBLE FOR REAPPOINTMENT;

29 (3) SHALL CONFORM TO THE RESTRICTIONS UNDER § 2-301 OF THIS
30 ARTICLE;

31 (4) MAY NOT BE A REGULATED LOBBYIST, OR BE EMPLOYED BY A
32 REGULATED LOBBYIST, WHO IS REQUIRED TO REGISTER WITH THE STATE ETHICS
33 COMMISSION UNDER TITLE 15, SUBTITLE 7 OF THE STATE GOVERNMENT ARTICLE;
34 AND

1 (5) SHALL BE SUBJECT TO REMOVAL BY THE GOVERNOR FOR
2 INCOMPETENCE, MISCONDUCT, OR OTHER GOOD CAUSE, UPON WRITTEN CHARGES
3 FILED BY THE GOVERNOR WITH THE COMMISSION AND AFTER HAVING BEEN
4 AFFORDED AMPLE OPPORTUNITY TO BE HEARD.

5 (D) SUBJECT TO SUBSECTION (G)(2) OF THIS SECTION, THE MEMBERS OF THE
6 COMMISSION SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND
7 CONSENT OF THE SENATE.

8 (E) (1) EACH MEMBER OF THE COMMISSION SHALL BE A MEMBER OF ONE
9 OF THE PRINCIPAL POLITICAL PARTIES.

10 (2) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMISSION IF
11 THE APPOINTMENT WILL RESULT IN THE COMMISSION HAVING MORE THAN THREE
12 OR FEWER THAN TWO MEMBERS OF THE SAME PRINCIPAL POLITICAL PARTY.

13 (F) BEFORE TAKING OFFICE EACH APPOINTEE SHALL TAKE THE OATH
14 REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

15 (G) (1) THE TERM OF A MEMBER IS 4 YEARS AND BEGINS ON JULY 1.

16 (2) A MEMBER MAY NOT SERVE MORE THAN THREE CONSECUTIVE
17 TERMS.

18 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
19 SUCCESSOR IS APPOINTED AND QUALIFIES.

20 (H) (1) IF A VACANCY OCCURS ON THE COMMISSION, IT SHALL BE FILLED
21 FOR THE REMAINDER OF THE UNEXPIRED TERM AND UNTIL A SUCCESSOR IS
22 APPOINTED AND QUALIFIES.

23 (2) AN APPOINTMENT MADE WHILE THE SENATE OF MARYLAND IS NOT
24 IN SESSION SHALL BE CONSIDERED TEMPORARY UNTIL THE APPOINTEE IS
25 CONFIRMED BY THE SENATE.

26 (I) NOT LATER THAN AUGUST 1 EACH YEAR, THE COMMISSION SHALL ELECT
27 ONE OF ITS MEMBERS AS CHAIRMAN.

28 (J) EACH MEMBER SHALL RECEIVE PER DIEM COMPENSATION OF \$100 FOR
29 ATTENDANCE AT:

30 (1) EACH REGULARLY SCHEDULED QUARTERLY MEETING; AND

31 (2) EACH ADDITIONAL MEETING, TO A MAXIMUM OF THREE, CALLED BY
32 THE CHAIRMAN DURING A CALENDAR YEAR.

33 15A-103. SAME -- DUTIES.

34 (A) THE COMMISSION SHALL MANAGE AND SUPERVISE THE SYSTEM OF
35 PUBLIC FUNDING OF ELECTIONS ESTABLISHED UNDER THIS TITLE.

1 (B) IN EXERCISING ITS AUTHORITY, THE COMMISSION SHALL:

2 (1) DEVELOP AN ELECTRONIC DATABASE THAT IS ACCESSIBLE TO THE
3 PUBLIC ON THE INTERNET AND THAT CONTAINS THE INFORMATION NECESSARY FOR
4 THE PROPER ADMINISTRATION OF THIS TITLE, INCLUDING:

5 (I) CONTRIBUTIONS TO AND EXPENDITURES BY PARTICIPATING
6 CANDIDATES AND OTHER CANDIDATES AND THEIR AUTHORIZED CAMPAIGN
7 FINANCE ENTITIES; AND

8 (II) PUBLIC CONTRIBUTIONS FROM THE FUND THAT ARE
9 DISBURSED TO PARTICIPATING CANDIDATES;

10 (2) DEVELOP AN EDUCATION PROGRAM THAT INCLUDES
11 INFORMATIONAL MATERIALS AND COMPLIANCE MANUALS TO INFORM CANDIDATES
12 AND THE PUBLIC ABOUT THE PURPOSE AND EFFECT OF THIS ACT;

13 (3) PROVIDE A WRITTEN REPORT TO THE GENERAL ASSEMBLY AFTER
14 EACH ELECTION CYCLE THAT INCLUDES:

15 (I) AN EVALUATION OF THIS TITLE AND ITS EFFECT ON
16 PARTICIPATING CANDIDATES;

17 (II) ANY RECOMMENDATIONS TO IMPROVE THIS TITLE;

18 (III) A DETAILED SUMMARY REGARDING SEED MONEY, QUALIFYING
19 CONTRIBUTIONS, AND ANY BENEFITS RECEIVED OR EXPERIENCED BY
20 PARTICIPATING CANDIDATES;

21 (IV) EXPENDITURES MADE BY PARTICIPATING AND
22 NONPARTICIPATING CANDIDATES; AND

23 (V) ANY OTHER INFORMATION THE COMMISSION DETERMINES TO
24 BE APPROPRIATE;

25 (4) HAVE ITS BOOKS AND ACTIVITIES AUDITED AT LEAST ONCE EACH
26 YEAR BY A CERTIFIED PUBLIC ACCOUNTANT; AND

27 (5) DEVELOP AN OFFICIAL SEAL, LOGO, OR OTHER DESIGNATION THAT
28 A PARTICIPATING CANDIDATE MAY USE VOLUNTARILY ON CAMPAIGN MATERIAL.

29 15A-104. SAME -- DISCRETIONARY POWERS.

30 THE COMMISSION MAY:

31 (1) EMPLOY STAFF, INCLUDING AN EXECUTIVE DIRECTOR AND LEGAL
32 COUNSEL, SUFFICIENT TO PERFORM ITS FUNCTIONS;

33 (2) INVESTIGATE MATTERS RELATING TO THE PERFORMANCE OF ITS
34 FUNCTIONS AND ANY OTHER MATTER CONCERNING THE ENFORCEMENT OF THIS
35 TITLE;

1 (3) PUBLICIZE THE NAMES OF CANDIDATES FOR NOMINATION OR
2 ELECTION TO A LEGISLATIVE OFFICE WHO VIOLATE THIS TITLE;

3 (4) ON WRITTEN REQUEST OF A CANDIDATE, A CAMPAIGN FINANCE
4 ENTITY, OR THE PUBLIC, RENDER WRITTEN, PUBLIC, ADVISORY OPINIONS
5 REGARDING QUESTIONS THAT ARISE UNDER THIS TITLE;

6 (5) ADOPT REGULATIONS AND PROVIDE FORMS AND ELECTRONIC
7 SOFTWARE AS NECESSARY TO ENSURE COMPLIANCE WITH THIS TITLE;

8 (6) CONDUCT RANDOM AUDITS OF PARTICIPATING CANDIDATES TO
9 ENSURE COMPLIANCE WITH THIS TITLE;

10 (7) SUBPOENA DOCUMENTS FROM ANY CANDIDATE OR CAMPAIGN
11 FINANCE ENTITY SUBJECT TO THIS ARTICLE;

12 (8) LEVY FINES FOR CIVIL INFRACTIONS IN ACCORDANCE WITH THIS
13 TITLE;

14 (9) IMPLEMENT A DEBIT CARD SYSTEM TO ALLOW A PARTICIPATING
15 CANDIDATE TO ACCESS THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT
16 THAT IS ESTABLISHED UNDER THIS TITLE;

17 (10) BE A PARTY TO OR OTHERWISE PARTICIPATE IN ANY CIVIL OR
18 CRIMINAL ACTION FILED FOR A VIOLATION OF THIS TITLE; AND

19 (11) SEEK AN INJUNCTION IN AN APPROPRIATE COURT IF:

20 (I) THERE IS A SUBSTANTIAL LIKELIHOOD THAT A VIOLATION OF
21 THIS TITLE IS OCCURRING OR IS ABOUT TO OCCUR;

22 (II) FAILURE TO ACT IN AN EXPEDITIOUS MANNER WILL RESULT IN
23 IRREPARABLE HARM TO A PARTY AFFECTED BY THE POTENTIAL VIOLATION;

24 (III) EXPEDITIOUS ACTION WILL NOT CAUSE UNDUE HARM OR
25 PREJUDICE TO THE INTEREST OF ANY OTHER PERSON; AND

26 (IV) THE PUBLIC INTEREST WILL BE BEST SERVED BY THE
27 ISSUANCE OF THE INJUNCTION.

28 15A-105. THE FUND.

29 (A) (1) THERE IS A PUBLIC ELECTION FUND.

30 (2) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
31 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

32 (3) THE FUND SHALL BE USED TO:

33 (I) PROVIDE, BEGINNING WITH THE ELECTION CYCLE THAT
34 BEGINS ON JANUARY 1, 2007, PUBLIC FINANCING FOR THE ELECTION CAMPAIGNS OF

1 CERTIFIED PARTICIPATING CANDIDATES IN A PRIMARY ELECTION OR GENERAL
2 ELECTION AS CERTIFIED BY THE COMMISSION UNDER THIS TITLE; AND

3 (II) PAY FOR THE ADMINISTRATIVE AND ENFORCEMENT COSTS OF
4 THE COMMISSION RELATED TO THIS TITLE.

5 (4) THE COMPTROLLER SHALL:

6 (I) ADMINISTER THE FUND IN ACCORDANCE WITH THE
7 PROVISIONS OF THIS TITLE; AND

8 (II) CREDIT TO THE FUND ALL MONEY COLLECTED IN
9 ACCORDANCE WITH THIS TITLE.

10 (B) (1) FOR EVERY INDIVIDUAL, OTHER THAN A NONRESIDENT ALIEN,
11 FILING A PERSONAL STATE INCOME TAX RETURN, THE COMPTROLLER SHALL
12 ESTABLISH, FOR EACH TAXABLE YEAR, A TAX CHECK-OFF SYSTEM THAT ALLOWS
13 THE TAXPAYER TO DIRECT ON THE INDIVIDUAL'S INCOME TAX RETURN FORM THAT
14 \$5 OF THE TAXPAYER'S TAX LIABILITY BE DIRECTED TO THE PUBLIC ELECTION
15 FUND.

16 (2) THE COMPTROLLER SHALL INCLUDE WITH EACH INDIVIDUAL
17 INCOME TAX RETURN PACKAGE A DESCRIPTION OF THE PURPOSES FOR WHICH THE
18 FUND WAS ESTABLISHED AND FOR WHICH THE FUND MAY BE USED.

19 (C) IN ADDITION TO THE MONEY DERIVED FROM THE TAX CHECK-OFF
20 SYSTEM UNDER SUBSECTION (B) OF THIS SECTION, AND THE APPROPRIATION UNDER
21 SUBSECTION (E) OF THIS SECTION, THE FUND SHALL CONSIST OF THE FOLLOWING
22 MONEY:

23 (1) QUALIFYING CONTRIBUTIONS REQUIRED OF CANDIDATES WHO
24 SEEK TO BECOME CERTIFIED AS PARTICIPATING CANDIDATES UNDER THIS TITLE;

25 (2) EXCESS QUALIFYING CONTRIBUTIONS RAISED BY CANDIDATES WHO
26 SEEK TO BECOME ELIGIBLE FOR PUBLIC FUNDING UNDER THIS TITLE;

27 (3) EXCESS SEED MONEY CONTRIBUTIONS OF CANDIDATES WHO SEEK
28 TO BECOME CERTIFIED AS PARTICIPATING CANDIDATES UNDER THIS TITLE;

29 (4) UNSPENT MONEY THAT:

30 (I) IS DISTRIBUTED TO A PARTICIPATING CANDIDATE WHO DOES
31 NOT REMAIN A CANDIDATE UNTIL THE PRIMARY OR GENERAL ELECTION FOR WHICH
32 THE MONEY WAS DISBURSED; OR

33 (II) IS RETAINED BY A PARTICIPATING CANDIDATE AFTER THE
34 PRIMARY OR GENERAL ELECTION FOR WHICH THE MONEY WAS DISBURSED;

35 (5) FINES LEVIED BY THE COMMISSION AGAINST CANDIDATES FOR
36 VIOLATIONS OF THE ELECTION LAW;

1 (6) VOLUNTARY DONATIONS MADE DIRECTLY TO THE FUND;

2 (7) INTEREST GENERATED BY THE FUND;

3 (8) EXCEPT FOR CASES SUBJECT TO THE SURCHARGES IMPOSED BY THE
4 MOTOR VEHICLE ADMINISTRATION IN ACCORDANCE WITH PARAGRAPH (9) OF THIS
5 SUBSECTION, A 10% SURCHARGE ON EACH CIVIL OR CRIMINAL PENALTY IMPOSED BY
6 A COURT OF THIS STATE;

7 (9) SURCHARGES IMPOSED BY THE MOTOR VEHICLE ADMINISTRATION
8 UNDER § 27-114 OF THE TRANSPORTATION ARTICLE; AND

9 (10) ANY OTHER SOURCES OF REVENUE AUTHORIZED BY THE GENERAL
10 ASSEMBLY.

11 (E) (1) THE GOVERNOR MAY INCLUDE IN THE ANNUAL STATE BUDGET, AND
12 THE GENERAL ASSEMBLY MAY APPROPRIATE, MONEY TO THE FUND TO HELP CARRY
13 OUT THIS TITLE.

14 (2) IF THE FUND DOES NOT ACCUMULATE SUFFICIENT MONEY BY
15 JANUARY 1, 2007, TO CARRY OUT THE REQUIREMENTS OF THIS TITLE, THE
16 GOVERNOR SHALL INCLUDE AN AMOUNT IN THE FISCAL 2008 BUDGET THAT, WHEN
17 COMBINED WITH THE MONEY IN THE FUND, WILL BE SUFFICIENT TO CARRY OUT
18 THIS TITLE.

19 15A-106. PARTICIPATING CANDIDATES FOR ELECTION TO THE GENERAL ASSEMBLY
20 -- ALLOWABLE CONTRIBUTIONS.

21 (A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL
22 ASSEMBLY MAY ACCEPT PRIVATE CONTRIBUTIONS FROM A PERSON ONLY AS
23 SPECIFIED IN THIS SECTION, INCLUDING:

24 (1) SEED MONEY OF NO MORE THAN:

25 (I) \$3,500 FOR A CANDIDATE FOR ELECTION TO THE SENATE OF
26 MARYLAND; OR

27 (II) \$2,500 FOR A CANDIDATE FOR ELECTION TO THE HOUSE OF
28 DELEGATES;

29 (2) PERSONAL CONTRIBUTIONS FROM THE CANDIDATE AND FROM THE
30 CANDIDATE'S SPOUSE OF NO MORE THAN \$500 EACH, WHETHER CONTRIBUTED AS
31 SEED MONEY OR AS A QUALIFYING CONTRIBUTION; AND

32 (3) CONTRIBUTIONS OF MONEY, OR IN-KIND CONTRIBUTIONS, FROM A
33 STATE OR LOCAL CENTRAL COMMITTEE, NOT TO EXCEED 2.5% OF THE PUBLIC
34 CONTRIBUTION AMOUNT AUTHORIZED FOR THAT CONTEST UNDER THIS TITLE.

1 (B) A PARTICIPATING CANDIDATE MAY NOT RECEIVE CONTRIBUTIONS OR
2 ESTABLISH OR MAINTAIN A CAMPAIGN ACCOUNT OTHER THAN THE PUBLICLY
3 FUNDED CAMPAIGN ACCOUNT REQUIRED UNDER THIS TITLE.

4 15A-107. SAME -- RESTRICTIONS ON SPENDING OF CONTRIBUTIONS RECEIVED.

5 (A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL
6 ASSEMBLY:

7 (1) MAY SPEND SEED MONEY, TO THE LIMIT ALLOWED UNDER § 15A-106
8 OF THIS TITLE, ONLY FOR THE PURPOSE OF OBTAINING QUALIFYING
9 CONTRIBUTIONS DURING THE QUALIFYING CONTRIBUTION PERIOD; AND

10 (2) SHALL DELIVER EACH QUALIFYING CONTRIBUTION RECEIVED TO
11 THE COMMISSION FOR DEPOSIT IN THE FUND.

12 (B) EXCEPT FOR A DISBURSEMENT FROM A PETTY CASH FUND IN
13 ACCORDANCE WITH § 15A-109(C) OF THIS TITLE, A PARTICIPATING CANDIDATE FOR
14 ELECTION TO THE GENERAL ASSEMBLY MAY CAUSE AN EXPENDITURE TO BE MADE
15 DURING THE PRIMARY ELECTION DISBURSEMENT PERIOD OR THE GENERAL
16 ELECTION DISBURSEMENT PERIOD ONLY FROM THE CANDIDATE'S PUBLICLY
17 FUNDED CAMPAIGN ACCOUNT.

18 15A-108. QUALIFYING CONTRIBUTIONS FOR GENERAL ASSEMBLY CANDIDATES.

19 (A) TO QUALIFY AS A PARTICIPATING CANDIDATE AND BE ELIGIBLE FOR A
20 PUBLIC CONTRIBUTION FROM THE FUND:

21 (1) A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND SHALL
22 SUBMIT QUALIFYING CONTRIBUTIONS FROM A NUMBER OF CONTRIBUTORS
23 TOTALING AT LEAST 0.25% OF THE POPULATION OF THE CANDIDATE'S LEGISLATIVE
24 DISTRICT; AND

25 (2) A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES SHALL
26 SUBMIT QUALIFYING CONTRIBUTIONS FROM A NUMBER OF CONTRIBUTORS
27 TOTALING AT LEAST 0.25% OF THE POPULATION OF THE LEGISLATIVE DISTRICT OR
28 SUBDISTRICT OF THE CANDIDATE.

29 (B) A CONTRIBUTOR MAY MAKE A QUALIFYING CONTRIBUTION TO A
30 CANDIDATE BY CASH OR BY A CHECK OR MONEY ORDER MADE PAYABLE TO THE
31 FUND.

32 (C) A CANDIDATE SHALL INCLUDE WITH EACH QUALIFYING CONTRIBUTION
33 THAT THE CANDIDATE SUBMITS TO THE COMMISSION FOR DEPOSIT IN THE FUND A
34 RECEIPT THAT INCLUDES:

35 (1) THE PRINTED NAME OF THE CONTRIBUTOR;

36 (2) THE ADDRESS OF THE CONTRIBUTOR; AND

1 (3) A SIGNED STATEMENT BY WHICH THE CONTRIBUTOR ATTESTS THAT
2 THE CONTRIBUTOR UNDERSTANDS THE PURPOSE OF THE CONTRIBUTION AND THAT
3 THE CONTRIBUTION WAS MADE WITHOUT COERCION OR REIMBURSEMENT.

4 (D) (1) A CANDIDATE MAY COLLECT QUALIFYING CONTRIBUTIONS ONLY
5 DURING THE PERIOD THAT:

6 (I) BEGINS ON APRIL 15 IN THE YEAR PRECEDING THE PRIMARY
7 ELECTION FOR THE OFFICE THE CANDIDATE SEEKS; AND

8 (II) ENDS ON THE DAY THAT IS 45 DAYS BEFORE THE PRIMARY
9 ELECTION FOR THE OFFICE THAT THE CANDIDATE SEEKS.

10 (2) A CANDIDATE WHO IS AN INCUMBENT MEMBER OF THE GENERAL
11 ASSEMBLY IS BOUND BY THE FUNDRAISING RESTRICTIONS SPECIFIED UNDER §
12 13-235 OF THIS ARTICLE.

13 15A-109. PUBLICLY FUNDED CAMPAIGN ACCOUNTS.

14 (A) AFTER IT DETERMINES THAT A CANDIDATE HAS SATISFIED THE
15 REQUIREMENTS TO BECOME A PARTICIPATING CANDIDATE, THE COMMISSION
16 SHALL:

17 (1) IN CONJUNCTION WITH THE PARTICIPATING CANDIDATE,
18 ESTABLISH A PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THE CANDIDATE; AND

19 (2) IN ACCORDANCE WITH THE REQUIREMENTS OF THIS TITLE,
20 AUTHORIZE THE DISBURSEMENT OF A PUBLIC CONTRIBUTION FROM THE FUND FOR
21 DEPOSIT IN THE PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THAT PARTICIPATING
22 CANDIDATE.

23 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
24 PARTICIPATING CANDIDATE, OR A PERSON ACTING ON BEHALF OF THE
25 PARTICIPATING CANDIDATE, MAY NOT MAKE A CAMPAIGN EXPENDITURE FOR THE
26 CANDIDATE OTHER THAN FROM THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN
27 ACCOUNT.

28 (C) A PARTICIPATING CANDIDATE MAY MAINTAIN A PETTY CASH FUND IN
29 ACCORDANCE WITH § 13-220(C) OF THIS ARTICLE.

30 (D) (1) A PARTICIPATING CANDIDATE AND THE CAMPAIGN FINANCE ENTITY
31 FOR THE PARTICIPATING CANDIDATE MAY USE THE PUBLICLY FUNDED CAMPAIGN
32 ACCOUNT ONLY IN ACCORDANCE WITH THIS TITLE.

33 (2) AT ITS DISCRETION, THE COMMISSION MAY GAIN ACCESS AT ANY
34 TIME TO THE RECORDS AND TRANSACTIONS OF A PARTICIPATING CANDIDATE'S
35 PUBLICLY FUNDED CAMPAIGN ACCOUNT.

1 (3) IN ACCORDANCE WITH ITS REGULATIONS AND GUIDELINES, THE
 2 COMMISSION MAY TERMINATE A PARTICIPATING CANDIDATE'S PUBLICLY FUNDED
 3 CAMPAIGN ACCOUNT.

4 15A-110. EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES TO THE GENERAL
 5 ASSEMBLY.

6 (A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE SENATE OF
 7 MARYLAND MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS OF
 8 THE LIMIT SPECIFIED IN THIS SUBSECTION.

	PRIMARY	GENERAL	TOTAL
9 CONTESTED SENATE	\$50,000	\$50,000	\$100,000
10 UNCONTESTED SENATE	10,000	6,000	16,000

12 (B) A PARTICIPATING CANDIDATE FOR ELECTION TO THE HOUSE OF
 13 DELEGATES OF MARYLAND MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN
 14 AMOUNT IN EXCESS OF THE AMOUNTS SPECIFIED IN THIS SUBSECTION.

	PRIMARY	GENERAL	TOTAL
15 CONTESTED HOUSE			
16 (THREE MEMBER)	\$40,000	\$40,000	\$80,000
17 (TWO MEMBER)	35,000	35,000	70,000
18 (SINGLE MEMBER)	20,000	20,000	40,000
19 UNCONTESTED HOUSE			
20 (THREE MEMBER)	\$10,000	\$6,000	\$16,000
21 (TWO MEMBER)	8,000	5,000	13,000
22 (SINGLE MEMBER)	6,000	4,000	10,000

24 (C) (1) THIS SUBSECTION APPLIES TO A PARTICIPATING CANDIDATE FOR
 25 ELECTION TO THE SENATE OF MARYLAND OR TO THE HOUSE OF DELEGATES WHO IS
 26 CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE IN:

27 (I) A CONTESTED PRIMARY AND GENERAL ELECTION; OR

28 (II) AN UNCONTESTED PRIMARY ELECTION.

29 (2) A CANDIDATE IN A CONTESTED PRIMARY ELECTION AND IN A
 30 CONTESTED GENERAL ELECTION MAY CHOOSE AN ALTERNATIVE APPORTIONMENT
 31 OF THE EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE UNDER THIS
 32 SECTION SO THAT:

33 (I) FOR THE PRIMARY ELECTION, THE CANDIDATE MAY RECEIVE A
 34 PUBLIC CONTRIBUTION OF AND EXPEND AN AMOUNT THAT DOES NOT EXCEED 70%
 35 OF THE COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE FOR
 36 THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION; AND

37 (II) FOR THE GENERAL ELECTION, THE CANDIDATE MAY RECEIVE A
 38 PUBLIC CONTRIBUTION OF AND EXPEND THE BALANCE OF THE COMBINED

1 EXPENDITURE LIMIT AUTHORIZED FOR THAT CANDIDATE FOR THE PRIMARY
2 ELECTION AND FOR THE GENERAL ELECTION.

3 (3) A CANDIDATE IN AN UNCONTESTED PRIMARY ELECTION MAY
4 CHOOSE AN ALTERNATIVE APPORTIONMENT OF THE EXPENDITURE LIMIT
5 ESTABLISHED FOR THAT CANDIDATE UNDER THIS SECTION SO THAT FOR THE
6 GENERAL ELECTION THE CANDIDATE MAY RECEIVE NO MORE THAN 70% OF THE
7 COMBINED PUBLIC CONTRIBUTION AMOUNT ESTABLISHED FOR THAT CANDIDATE
8 FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION.

9 15A-111. PARTICIPATING CANDIDATES -- SUPPLEMENTAL PUBLIC DISTRIBUTIONS
10 AUTHORIZED.

11 (A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL
12 ASSEMBLY MAY RECEIVE A SUPPLEMENTAL PUBLIC CONTRIBUTION OF MATCHING
13 FUNDS FROM THE FUND IF:

14 (1) THE PARTICIPATING CANDIDATE IS OPPOSED BY A
15 NONPARTICIPATING CANDIDATE IN A PRIMARY ELECTION OR IN A GENERAL
16 ELECTION; AND

17 (2) THE NONPARTICIPATING CANDIDATE INCURS EXPENDITURES THAT
18 EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR THE PARTICIPATING
19 CANDIDATE.

20 (B) THE AGGREGATE AMOUNT OF THE PUBLIC CONTRIBUTION THAT A
21 PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY MAY
22 RECEIVE UNDER THIS SUBSECTION MAY NOT EXCEED 200% OF THE PUBLIC
23 CONTRIBUTION AMOUNT ESTABLISHED FOR THE PRIMARY AND GENERAL ELECTION
24 UNDER THIS TITLE FOR THAT CANDIDATE.

25 15A-112. PARTICIPATING CANDIDATES -- ELIGIBILITY REQUIREMENTS FOR
26 DISBURSEMENTS FROM THE FUND.

27 (A) TO BE CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE
28 AND QUALIFY FOR A PUBLIC CONTRIBUTION, A CANDIDATE SHALL SUBMIT TO THE
29 COMMISSION:

30 (1) A DECLARATION THAT THE CANDIDATE WILL ABIDE BY THE
31 COMMISSION'S REGULATIONS AND POLICIES;

32 (2) A CAMPAIGN FINANCE REPORT THAT LISTS ALL OF THE SEED
33 MONEY CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BY THE CANDIDATE;

34 (3) A CAMPAIGN FINANCE REPORT THAT LISTS ALL QUALIFYING
35 CONTRIBUTIONS RECEIVED BY THE CANDIDATE DURING THE QUALIFYING PERIOD;

36 (4) ANY UNSPENT SEED MONEY THAT THE CANDIDATE RETAINS; AND

1 (5) ALL QUALIFYING CONTRIBUTIONS RECEIVED BY THE CANDIDATE
2 AND THE ACCOMPANYING RECEIPTS FOR THOSE CONTRIBUTIONS.

3 (B) A CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY WHO IS
4 CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE SHALL RECEIVE
5 THE PUBLIC CONTRIBUTION AMOUNT SPECIFIED UNDER THIS TITLE FOR THAT
6 LEGISLATIVE OFFICE.

7 15A-113. DISBURSEMENTS BY THE COMPTROLLER.

8 (A) (1) ON MAY 1 OF THE YEAR OF THE ELECTION, THE COMMISSION SHALL
9 AUTHORIZE THE COMPTROLLER TO MAKE A DISTRIBUTION FROM THE FUND TO
10 EACH PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY WHO
11 THE COMMISSION HAS CERTIFIED TO RECEIVE A PUBLIC CONTRIBUTION FOR THE
12 PRIMARY ELECTION.

13 (2) A PARTICIPATING CANDIDATE MAY USE THE PUBLIC CONTRIBUTION
14 DISBURSED UNDER THIS SUBSECTION ONLY FOR EXPENSES INCURRED FOR THE
15 PRIMARY ELECTION.

16 (3) SUBJECT TO § 15A-110 OF THIS TITLE, THE COMMISSION MAY
17 DISBURSE A PUBLIC CONTRIBUTION TO A PARTICIPATING CANDIDATE FOR THE
18 PRIMARY ELECTION UNTIL 45 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION.

19 (4) WITHIN 15 DAYS AFTER THE PRIMARY ELECTION, A PARTICIPATING
20 CANDIDATE SHALL RETURN TO THE COMMISSION ANY PORTION OF THE PUBLIC
21 CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE PRIMARY ELECTION.

22 (B) (1) WITHIN 72 HOURS AFTER THE STATE BOARD CERTIFIES THE
23 RESULTS OF THE PRIMARY ELECTION, THE COMMISSION SHALL AUTHORIZE THE
24 COMPTROLLER TO DISBURSE A PUBLIC CONTRIBUTION TO EACH PARTICIPATING
25 CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY WHO HAS BEEN CERTIFIED
26 BY THE COMMISSION TO RECEIVE A PUBLIC CONTRIBUTION FOR THE GENERAL
27 ELECTION.

28 (2) WITHIN 45 DAYS AFTER THE GENERAL ELECTION, A PARTICIPATING
29 CANDIDATE SHALL RETURN TO THE COMMISSION ANY PORTION OF THE PUBLIC
30 CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE GENERAL
31 ELECTION.

32 (C) A PARTICIPATING CANDIDATE NOMINATED BY PETITION FOR ELECTION
33 TO THE GENERAL ASSEMBLY IS ELIGIBLE TO RECEIVE A PUBLIC CONTRIBUTION
34 FROM THE FUND FOR THE GENERAL ELECTION AFTER MAY 1 OF THE YEAR OF THE
35 ELECTION, IF:

36 (1) THE CANDIDATE'S NOMINATION HAS BEEN CERTIFIED BY THE
37 STATE BOARD; AND

38 (2) THE CANDIDATE DOES NOT PARTICIPATE IN A PRIMARY ELECTION.

1 (D) THE COMPTROLLER SHALL DEPOSIT A PUBLIC CONTRIBUTION IN THE
2 PUBLICLY FUNDED CAMPAIGN ACCOUNT OF A PARTICIPATING CANDIDATE NO
3 LATER THAN 5 DAYS AFTER THE COMMISSION DIRECTS THAT THE DISBURSEMENT
4 BE MADE.

5 15A-114. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.

6 (A) (1) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL
7 ASSEMBLY MAY ACCEPT A CONTRIBUTION FROM A STATE OR LOCAL CENTRAL
8 COMMITTEE IF THE AGGREGATE AMOUNT OF THE CONTRIBUTIONS FROM ALL
9 POLITICAL PARTY CENTRAL COMMITTEES TO THE PARTICIPATING CANDIDATE DO
10 NOT EXCEED 2.5% OF THE PUBLIC FINANCING AMOUNT FOR THAT OFFICE.

11 (2) A PARTICIPATING CANDIDATE WHO RECEIVES A MONETARY
12 CONTRIBUTION UNDER THIS SUBSECTION SHALL DEPOSIT THE CONTRIBUTION IN
13 THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

14 (B) IN ACCORDANCE WITH THE REGULATIONS OF THE COMMISSION, A
15 POLITICAL PARTY SHALL REPORT TO THE COMMISSION EACH CONTRIBUTION MADE
16 TO, AND EACH EXPENDITURE MADE ON BEHALF OF, A PARTICIPATING CANDIDATE
17 DURING A PRIMARY OR GENERAL ELECTION.

18 (C) THIS TITLE MAY NOT BE CONSTRUED TO PREVENT A POLITICAL PARTY
19 FROM USING ITS FUNDS FOR EXPENSES FOR:

20 (1) THE GENERAL OPERATING EXPENSES OF THE POLITICAL PARTY;

21 (2) A POLITICAL PARTY CONVENTION;

22 (3) NOMINATING AND ENDORSING CANDIDATES;

23 (4) IDENTIFYING, RESEARCHING, AND DEVELOPING THE PARTY'S
24 POSITIONS ON ISSUES;

25 (5) PARTY PLATFORM ACTIVITIES;

26 (6) VOTER REGISTRATION ACTIVITIES THAT ARE NOT
27 CANDIDATE-SPECIFIC;

28 (7) GET-OUT-THE-VOTE ACTIVITIES THAT ARE NOT
29 CANDIDATE-SPECIFIC;

30 (8) TRAVEL EXPENSES FOR LEADERS AND STAFF OF THE POLITICAL
31 PARTY WHO ARE NOT CANDIDATES; OR

32 (9) OTHER PARTY-BUILDING ACTIVITIES THAT ARE NOT
33 CANDIDATE-SPECIFIC.

1 15A-115. COORDINATED EXPENDITURES.

2 (A) A COORDINATED EXPENDITURE MADE BY OR ON BEHALF OF A
3 PARTICIPATING CANDIDATE FOR ELECTION TO A STATE LEGISLATIVE OFFICE SHALL
4 BE MADE ONLY WITH PUBLIC FUNDS.

5 (B) A NONPARTICIPATING CANDIDATE SHALL REPORT TO THE STATE BOARD
6 EACH COORDINATED EXPENDITURE IN A CUMULATIVE AMOUNT OF MORE THAN \$250
7 THAT IS MADE ON BEHALF OF A PARTICIPATING CANDIDATE.

8 (C) IN ADDITION TO THE REPORTING REQUIREMENT UNDER SUBSECTION (B)
9 OF THIS SECTION, DURING THE 30 DAYS IMMEDIATELY PRECEDING AN ELECTION, A
10 NONPARTICIPATING CANDIDATE SHALL REPORT TO THE STATE BOARD WITHIN 48
11 HOURS AFTER THE EXPENDITURE IS MADE, OR OBLIGATED TO BE MADE, EACH
12 INDIVIDUAL COORDINATED EXPENDITURE OF MORE THAN \$250.

13 (D) IN ACCORDANCE WITH ITS REGULATIONS OR GUIDELINES, THE STATE
14 BOARD MAY MAKE A DETERMINATION WHETHER A COORDINATED EXPENDITURE
15 HAS BEEN MADE BY A PARTICIPATING CANDIDATE OR A NONPARTICIPATING
16 CANDIDATE.

17 (E) (1) IF, ON RECEIPT OF A COORDINATED EXPENDITURE REPORT FROM A
18 NONPARTICIPATING CANDIDATE, THE STATE BOARD DETERMINES THAT THE
19 EXPENDITURE CAUSES THE NONPARTICIPATING CANDIDATE'S EXPENDITURES TO
20 EXCEED THE PUBLIC EXPENDITURE LIMITATION APPLICABLE TO THE
21 PARTICIPATING CANDIDATE FOR THAT SAME OFFICE, THE STATE BOARD SHALL
22 CAUSE AN IMMEDIATE RELEASE FROM THE FUND OF A SUPPLEMENTAL
23 CONTRIBUTION TO THE OPPOSING PARTICIPATING CANDIDATE, SUBJECT TO THE
24 LIMITATION IN PARAGRAPH (2) OF THIS SUBSECTION.

25 (2) THE SUPPLEMENTAL CONTRIBUTION RELEASED TO THE OPPOSING
26 PARTICIPATING CANDIDATE UNDER THIS SUBSECTION SHALL EQUAL THE AMOUNT
27 BY WHICH THE COORDINATED EXPENDITURE EXCEEDED THE EXPENDITURE
28 LIMITATION APPLICABLE TO THE PARTICIPATING CANDIDATE, BUT MAY NOT
29 EXCEED THE LIMIT SPECIFIED IN § 15A-111 OF THIS TITLE.

30 (F) (1) AN EXPENDITURE MADE BY OR ON BEHALF OF A SLATE THAT
31 INCLUDES A PARTICIPATING CANDIDATE:

32 (I) IS DEEMED TO BE A COORDINATED EXPENDITURE; AND

33 (II) IS SUBJECT TO THE EXPENDITURE LIMIT APPLICABLE TO THE
34 PARTICIPATING CANDIDATE UNDER THIS TITLE AS PROVIDED IN PARAGRAPH (2) OF
35 THIS SUBSECTION.

36 (2) THE PRO RATA AMOUNT OF THE EXPENDITURE MADE BY OR ON
37 BEHALF OF A SLATE UNDER THIS SUBSECTION THAT IS TO BE ATTRIBUTED TO THE
38 PARTICIPATING CANDIDATE SHALL BE CALCULATED BY DIVIDING THE AMOUNT OF
39 THE EXPENDITURE MADE BY OR ON BEHALF OF THE SLATE BY THE NUMBER OF
40 CANDIDATES WHO ARE MEMBERS OF THE SLATE.

1 15A-116. ADDITIONAL REPORTING REQUIREMENTS.

2 (A) IN ADDITION TO THE REPORTING REQUIREMENTS FOR CAMPAIGN
3 FINANCE ENTITIES SPECIFIED UNDER § 13-309 OF THIS ARTICLE, A PARTICIPATING
4 CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY SHALL FILE CAMPAIGN
5 FINANCE REPORTS WITH THE COMMISSION ON OR BEFORE MAY 1 OF THE YEAR OF
6 THE ELECTION TO DISCLOSE:

7 (1) ALL SEED MONEY CONTRIBUTIONS RECEIVED AND EXPENDITURES
8 MADE; AND

9 (2) ALL QUALIFYING CONTRIBUTIONS RECEIVED BY THE CANDIDATE.

10 (B) (1) IF A NONPARTICIPATING CANDIDATE MAKES EXPENDITURES THAT
11 EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR A PARTICIPATING CANDIDATE
12 FOR THAT OFFICE, THE NONPARTICIPATING CANDIDATE THEREAFTER SHALL FILE A
13 CAMPAIGN FINANCE REPORT OF ALL OF THE CANDIDATE'S EXPENDITURES EACH
14 WEEK THROUGH AND INCLUDING THE WEEK AFTER THE ELECTION.

15 (2) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (1) OF THIS
16 SUBSECTION, DURING THE 30 DAYS PRECEDING AN ELECTION, A NONPARTICIPATING
17 CANDIDATE SHALL NOTIFY THE COMMISSION WITHIN 24 HOURS OF EACH
18 EXPENDITURE OVER \$500 THAT THE CANDIDATE MAKES OR BECOMES OBLIGATED TO
19 MAKE.

20 (C) IN ACCORDANCE WITH REGULATIONS OR WRITTEN GUIDELINES THAT
21 THE COMMISSION ADOPTS AND PUBLISHES, THE COMMISSION MAY MAKE AN
22 INDEPENDENT DETERMINATION WHETHER A NONPARTICIPATING CANDIDATE HAS
23 MADE AN EXPENDITURE THAT IS SUBJECT TO THIS SECTION.

24 (D) A CAMPAIGN FINANCE REPORT REQUIRED UNDER THIS SECTION SHALL
25 BE FILED IN AN ELECTRONIC STORAGE FORMAT IN ACCORDANCE WITH THE
26 REQUIREMENTS OF TITLE 13 OF THIS ARTICLE.

27 15A-117. CITIZEN ACTIONS.

28 (A) AN INDIVIDUAL WHO BELIEVES THAT A CANDIDATE HAS VIOLATED THIS
29 TITLE MAY PURSUE A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION IF:

30 (1) THE INDIVIDUAL HAS FIRST FILED A COMPLAINT REGARDING THE
31 ALLEGED VIOLATION WITH THE COMMISSION; AND

32 (2) THE COMMISSION FAILS TO MAKE A DETERMINATION AND ISSUE A
33 WRITTEN STATEMENT OF ITS FINDINGS WITHIN 30 DAYS OF THE DATE OF THE
34 FILING OF THE COMPLAINT.

35 (B) A COMPLAINANT WHO PREVAILS IN AN ACTION FILED UNDER THIS
36 SECTION IS ENTITLED TO RECOVER REASONABLE ATTORNEYS' FEES AND COURT
37 COSTS FROM ANY PARTY DEFENDANT.

1 15A-118. JUDICIAL REVIEW.

2 (A) AN ACTION OF THE COMMISSION UNDER THIS TITLE MAY BE REVIEWED
3 BY A CIRCUIT COURT IN ACCORDANCE WITH § 10-222(C) OF THE STATE GOVERNMENT
4 ARTICLE.

5 (B) A PETITION TO REVIEW AN ACTION OF THE COMMISSION UNDER THIS
6 SECTION SHALL BE BROUGHT WITHIN 60 DAYS AFTER THE COMMISSION ACTS.

7 15A-119. PENALTIES.

8 (A) A PARTICIPATING CANDIDATE MAY NOT KNOWINGLY OR INTENTIONALLY:

9 (1) ACCEPT A CONTRIBUTION TO WHICH THE CANDIDATE IS NOT
10 ENTITLED;

11 (2) MAKE AN EXPENDITURE IN AN AMOUNT THAT IS GREATER THAN
12 THE AMOUNT THAT THE CANDIDATE RECEIVES FROM THE FUND; OR

13 (3) MISUSE A CONTRIBUTION OR MONEY RECEIVED FROM THE FUND.

14 (B) (1) IF THE COMMISSION DETERMINES THAT A PARTICIPATING
15 CANDIDATE KNOWINGLY OR INTENTIONALLY RECEIVED A CONTRIBUTION OR MADE
16 AN EXPENDITURE THAT IS MORE THAN 4% OF THE EXPENDITURE LIMIT APPLICABLE
17 TO THE OFFICE, OR FAILED TO DISCLOSE THE CONTRIBUTION OR EXPENDITURE,
18 THE PARTICIPATING CANDIDATE IS GUILTY OF A MISDEMEANOR AND ON
19 CONVICTION IS SUBJECT TO A PERSONAL FINE OF THREE TIMES THE AMOUNT OF
20 THE EXCESS CONTRIBUTION OR EXPENDITURE OR IMPRISONMENT FOR NOT MORE
21 THAN 2 YEARS OR BOTH.

22 (2) IF THE COMMISSION DETERMINES THAT A PARTICIPATING
23 CANDIDATE KNOWINGLY OR INTENTIONALLY VIOLATED THIS SECTION, THAT THE
24 AMOUNT OF THE EXCESS CONTRIBUTION OR EXPENDITURE IS MORE THAN 4% OF
25 THE EXPENDITURE LIMIT APPLICABLE TO THE OFFICE, AND THAT THE VIOLATION
26 CONTRIBUTED TO THE PARTICIPATING CANDIDATE'S VICTORY IN THE ELECTION,
27 THE COMMISSION MAY RECOMMEND TO THE GENERAL ASSEMBLY THAT THE
28 RESULTS OF THE ELECTION BE NULLIFIED AND THE OFFICE DECLARED VACANT.

29 (C) IN THE DISCRETION OF THE COMMISSION, AN INDIVIDUAL WHO VIOLATES
30 THIS TITLE MAY BE BARRED FROM FURTHER PARTICIPATION AS A PARTICIPATING
31 CANDIDATE UNDER THIS TITLE.

32 (D) (1) A PERSON MAY NOT PROVIDE FALSE INFORMATION TO OR CONCEAL
33 OR WITHHOLD INFORMATION ABOUT A CONTRIBUTION OR EXPENDITURE FROM THE
34 COMMISSION.

35 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
36 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A PERSONAL FINE OF THREE
37 TIMES THE AMOUNT OF THE ILLEGAL CONTRIBUTION, EXPENDITURE, OR FALSE

1 DISCLOSURE, TO A MAXIMUM OF \$5,000 FOR EACH VIOLATION, OR IMPRISONMENT
2 FOR 2 YEARS OR BOTH.

3 15A-120. SHORT TITLE.

4 THIS TITLE MAY BE CITED AS THE PUBLIC CAMPAIGN FINANCING ACT FOR
5 CANDIDATES FOR THE GENERAL ASSEMBLY.

6 **Article - Transportation**

7 27-114.

8 (A) IN ADDITION TO ANY OTHER FEE IMPOSED FOR THE RENEWAL OF A
9 DRIVER'S LICENSE, EACH YEAR THE ADMINISTRATION SHALL ASSESS THE FEES
10 SPECIFIED UNDER THIS SECTION AND TRANSFER THE MONEY COLLECTED TO THE
11 PUBLIC ELECTION FUND ESTABLISHED UNDER § 15A-105 OF THE ELECTION LAW
12 ARTICLE.

13 (B) (1) A SURCHARGE OF \$100 FOR THE FIRST SIX POINTS AND \$25 FOR EACH
14 ADDITIONAL POINT SHALL BE IMPOSED ON EACH PERSON WHO HAS ACCUMULATED
15 SIX OR MORE POINTS AGAINST THE PERSON'S DRIVER'S LICENSE DURING THE
16 PRECEDING 36-MONTH PERIOD.

17 (2) THE ACCUMULATION OF POINTS SHALL BE CALCULATED AS OF THE
18 DATE THE POINT VIOLATION IS POSTED TO THE DRIVER'S LICENSE AND SHALL BE
19 LEVIED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE ADMINISTRATION.

20 (3) FOR THE PURPOSES OF CALCULATING THE SURCHARGE UNDER THIS
21 SUBSECTION, A CONVICTION MAY NOT BE CONSIDERED IN MORE THAN THREE
22 ANNUAL PERIODS.

23 (C) (1) A SURCHARGE SHALL BE ASSESSED AGAINST EACH PERSON WHO
24 HAS A FINAL CONVICTION DURING THE PRECEDING 36-MONTH PERIOD FOR AN
25 OFFENSE RELATING TO DRIVING UNDER THE INFLUENCE, DRIVING WHILE
26 IMPAIRED, FAILING TO SUBMIT TO A CHEMICAL TEST, OR FOR A CONVICTION IN ANY
27 STATE, TERRITORY, OR POSSESSION OF THE UNITED STATES, OR THE DISTRICT OF
28 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, OR THE DOMINION OF CANADA,
29 FOR A VIOLATION THAT IF COMMITTED IN THIS STATE WOULD BE A VIOLATION OF
30 THAT PARTICULAR SECTION OF THIS STATE'S LAWS.

31 (2) THE AMOUNT OF THE SURCHARGE UNDER THIS SUBSECTION FOR A
32 CONVICTION DURING A 36-MONTH PERIOD IS AS FOLLOWS:

33 (I) \$1,000 EACH YEAR FOR A FIRST CONVICTION;

34 (II) \$1,500 EACH YEAR FOR A SECOND OFFENSE; AND

35 (III) \$2,500 EACH YEAR FOR A THIRD OR SUBSEQUENT OFFENSE.

1 (3) FOR THE PURPOSES OF CALCULATING THE SURCHARGE UNDER THIS
2 SUBSECTION, A SURCHARGE FOR THE SAME CONVICTION MAY NOT BE ASSESSED IN
3 MORE THAN 3 YEARS.

4 (4) ANY POINTS FOR A CONVICTION OF AN OFFENSE FOR WHICH A
5 SURCHARGE IS ASSESSED UNDER THIS SUBSECTION MAY NOT BE CONSIDERED IN
6 MAKING A DETERMINATION OF THE AMOUNT OF THE SURCHARGE TO BE IMPOSED
7 UNDER SUBSECTION (B) OF THIS SECTION.

8 (D) (1) THE ADMINISTRATION SHALL NOTIFY THE HOLDER OF A DRIVER'S
9 LICENSE OF THE ASSESSMENT OF A SURCHARGE ON THAT DRIVER'S LICENSE BY
10 FIRST-CLASS MAIL SENT TO THE PERSON'S MOST RECENT ADDRESS AS SHOWN ON
11 THE RECORDS OF THE ADMINISTRATION.

12 (2) THE NOTICE SHALL SPECIFY THE DATE BY WHICH THE SURCHARGE
13 MUST BE PAID AND STATE THE CONSEQUENCES OF A FAILURE TO PAY THE
14 SURCHARGE.

15 (3) IF, BEFORE THE 30TH DAY AFTER THE DATE THE ADMINISTRATION
16 SENDS THE NOTICE, THE PERSON FAILS TO PAY THE AMOUNT OF THE SURCHARGE
17 ON THE PERSON'S DRIVER'S LICENSE OR FAILS TO ENTER INTO AN INSTALLMENT
18 PAYMENT AGREEMENT WITH THE ADMINISTRATION, THE LICENSE OF THE PERSON
19 IS AUTOMATICALLY SUSPENDED.

20 (4) A LICENSE SUSPENDED UNDER THIS SECTION REMAINS SUSPENDED
21 UNTIL THE PERSON PAYS THE AMOUNT OF THE SURCHARGE AND ANY RELATED
22 COSTS.

23 (E) (1) IN ADDITION TO ANY OTHER REMEDY PROVIDED BY LAW, THE
24 ADMINISTRATOR MAY FILE A JUDGMENT IN A COURT OF COMPETENT JURISDICTION
25 AND INTEREST SHALL ACCRUE FROM THE DATE OF THE JUDGMENT IN THE AMOUNT
26 SPECIFIED BY THE COURT RULES FOR POSTJUDGMENT INTEREST.

27 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, PAYMENT
28 OF INTEREST MAY BE WAIVED BY THE ADMINISTRATOR FOR GOOD CAUSE.

29 (3) IF THE SURCHARGE REMAINS UNPAID FOLLOWING THE ISSUANCE
30 OF THE JUDGMENT AND THE ADMINISTRATOR TAKES FURTHER ACTION TO COLLECT
31 THE SURCHARGE, WHETHER BY REFERRAL OF THE ACTION TO THE ATTORNEY
32 GENERAL OR ANOTHER PERSON, THE ADMINISTRATOR MAY ASSESS A FURTHER
33 SURCHARGE OF 20% OF THE SURCHARGE OR \$200, WHICHEVER IS GREATER.

34 (4) AT LEAST 10 DAYS PRIOR TO A PROPOSED FILING OF A JUDGMENT,
35 THE ADMINISTRATOR SHALL PROVIDE A DRIVER WRITTEN NOTICE BY FIRST-CLASS
36 MAIL TO THE DRIVER'S LAST ADDRESS OF RECORD OF THE PROPOSED FILING.

37 (F) (1) THE ADMINISTRATION MAY, BY REGULATION, PROVIDE FOR THE
38 PAYMENT OF A SURCHARGE BY INSTALLMENT.

1 (2) IF A PERSON FAILS TO MAKE A REQUIRED PAYMENT UNDER THIS
2 SUBSECTION, THE ADMINISTRATION MAY DECLARE THE FULL AMOUNT OF THE
3 UNPAID SURCHARGE DUE AND PAYABLE.

4 (G) (1) THE ADMINISTRATION MAY, BY REGULATION:

5 (I) AUTHORIZE THE PAYMENT OF A SURCHARGE BY CREDIT CARD;
6 AND

7 (II) REQUIRE THE PERSON TO PAY ALL OF THE COSTS INCURRED
8 BY THE ADMINISTRATION THAT ARE CONNECTED WITH THE ACCEPTANCE OF
9 PAYMENT BY CREDIT CARD.

10 (2) (I) IF A PERSON PAYS A SURCHARGE OR RELATED COST BY CREDIT
11 CARD AND THE AMOUNT SUBSEQUENTLY IS REVERSED BY THE ISSUER OF THE
12 CREDIT CARD, THE LICENSE OF THAT PERSON IS AUTOMATICALLY SUSPENDED.

13 (II) A LICENSE SUSPENDED UNDER THIS SUBSECTION REMAINS
14 SUSPENDED UNTIL THE PERSON PAYS THE AMOUNT OF THE SURCHARGE AND ANY
15 RELATED COSTS.

16 (H) THE ADMINISTRATION MAY CONTRACT WITH A PUBLIC OR PRIVATE
17 VENDOR TO PROCESS AND COLLECT THE SURCHARGES RECEIVABLE UNDER THIS
18 SECTION.

19 (I) THE SURCHARGES AUTHORIZED UNDER THIS SECTION MAY NOT BE
20 IMPOSED FOR A CONVICTION THAT BECOMES FINAL BEFORE JULY 1, 2004.

21 SECTION 2. AND BE IT FURTHER ENACTED, That, no later than 1 year
22 after the end of the first election cycle in which the system of public financing of
23 election campaigns provided for under this Act is implemented, the Public Financing
24 Commission shall submit a written report to the Governor, and, in accordance with §
25 2-1246 of the State Government Article, to the General Assembly, concerning:

26 (1) The need for additional disclosure of campaign contributions or
27 expenditures under this Act;

28 (2) The affect and role of independent expenditures under this Act;

29 (3) Whether participating candidates under this Act should receive a
30 supplemental distribution from the Campaign Financing Fund to match independent
31 expenditures that are made on behalf of an opposing candidate or against a
32 participating candidate; and

33 (4) The effectiveness of the regulations, guidelines, and policies
34 established by the State Board of Elections and the Public Financing Commission
35 governing the disclosure and reporting of contributions and expenditures by
36 participating candidates and nonparticipating candidates in accordance with this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
2 members of the Public Election Commission shall expire as follows:

3 (1) Two of the members appointed from the majority party and one of the
4 members appointed from the principal minority party in 2008; and

5 (2) One of the members appointed from the majority party and one of the
6 members appointed from the principal minority party in 2006.

7 SECTION 4. AND BE IT FURTHER ENACTED, That the catchlines
8 contained in this Act are not law and may not be considered to have been enacted as
9 part of this Act.

10 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect July 1, 2004.